

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

VALERI V. ARTIOUKHINE,
Complainant,

v.

KURANI, INC.,
DBA PIZZA HUT,
Respondent.

)
)
) 8 U.S.C. § 1324b Proceeding
)
) OCAHO Case No. 97B00161
)
) Judge Robert L. Barton, Jr.
)
)
)
)

ORDER MODIFYING DECEMBER 19, 1997 ORDER

(December 22, 1997)

Previously Respondent had been given until December 17, 1997, to file its motion to dismiss. Having not received the motion or otherwise heard from Respondent, on December 19, 1997, I ordered Respondent to submit its payroll records. However, as of this date, we have now received Respondent's motion to dismiss accompanied by certain personnel records. Therefore, that portion of the December 19 Order requiring Respondent to submit payroll records is vacated.¹

Although I have now received the motion and payroll records, Respondent has not submitted an affidavit. Instead, Respondent's representative Mr. Voss merely states in an unsworn statement that he is familiar with the information and that it is a true copy of the actual documents. As provided in my earlier order, Respondent is required to submit an affidavit (which means a sworn statement). Respondent shall have until January 15, 1998, to submit the required affidavit.

Since the motion only was received by this office on December 22, 1997, I will give Complainant fifteen days from this date to respond. Complainant must file any response to the motion not later than

¹ Apparently the motion was served on December 16, 1997 by express mail via the U.S. Postal Service. Perhaps because of the volume of seasonal mail, and the distance from Alaska to Virginia, the motion and payroll records were not received by my office until December 22, 1997.

January 6, 1998. "File" means that the response must be received by my office not later than January 6. If Complainant fails to file any response to the motion, I may conclude that Complainant does not oppose the motion and has abandoned his complaint. In that case I may grant the motion to dismiss without any further opportunity for a hearing. Therefore, it is incumbent on Complainant to file a timely response to the motion if he opposes the motion.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of December, 1997, I have served the foregoing Order Modifying December 19, 1997 Order on the following persons at the addresses shown, by first class mail, unless otherwise noted:

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(Complainant)

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